Dad as Part of the Juvenile Court Process: Legal Advocacy and Court Etiquette

Steps in the Juvenile Court Process

- Emergency Removal OR
- Request for Removal OR
- Petition to Court About Concerns OR
- Request for Court Intervention and Placement

If you are eligible for legal assistance, an attorney should have been assigned by the court or you can hire your own if you can afford one.

Initial Hearing

(plea hearing, jurisdictional hearing)

- Are the children unsafe or at very high risk of harm that may make them unsafe?
- Is the judge concerned enough to keep the case open in court?
- Next court hearing date will be set

Outcomes - If "NO"

- Court case will be closed
- CPS may offer voluntary services
- Child is returned to parent

Outcomes – If "YES"

- Child will be placed in care
- Judge may make some orders about:
 - Visitation
 - Contact
 - o Evaluations for parents or child
- Special needs of the child identified
- Appointment of CASA and/or GAL for child
- Appointment of parent attorneys
- Judge explains:
 - Parent rights
 - o Court process
 - Next court hearing date

Pre-Trial Conference

(not used everywhere)

- Parents, child, attorneys, caseworkers, CASA and GAL try to settle case without judge there
 - Create a basic case plan
 - Focus on safety, permanency and well-being of child

Fact-Finding Hearing

- Proof of concerns about child's safety are presented
- Witnesses, including parent, may testify
- Records & documents given to judge
- Judge determines if CPS met "burden of proof" and made reasonable efforts to avoid placement or reunify child with parent

Dispositional Hearing

- Judge decides court should stay involved
- Judge orders services for child and parents (counseling, drug treatment, evaluation etc.)
- Judge orders placement, if necessary, and visitation if child is placed outside of home (where, when, how often, supervised or not)
- Judge's orders make clear who does what, when and where (parents, child, CPS and others)
- Judge determines what improvements need to be made and by what date for the child to be able to go home
- Child could be returned home with services in place

Review Hearing (every 6 months)

- Sometimes done in court, sometimes done in front of an administrative review board
 - o Evaluate progress of case
 - Change case plan (if progress has been made, court terms will get easier; if not, they will likely get stricter)
 - If no progress has been made, and none seems likely, the goal of the case plan may change (ex., recommend change of goal to termination of parental rights, then would need to go to permanency hearing)

Permanency Hearing

- Must happen no later than 12 months after a child is placed out of parent's home
- Multiple permanency hearings may occur
- Evaluate case progress
- Adjust case plan to:
 - o Return child home
 - Return child home by specific date if court feels child and parents will be helped by a little more time (ex., within 3 months)
 - o Termination of parental rights
 - Permanent placement other than adoption (ex., permanent foster care; legal guardianship)

Termination of Parental Rights

No

Agreement

Reach

Agreement

- Review case history
- Testimony from:
 - Caseworker(s)Service providers
 - o Experts
 - o Parents, children, other family members
 - o CASA/child advocates
- Review important documents and records
- Reasons for termination:
 - Child has been in foster care for
 15 of the last 22 months
 - Child was abandoned as an infant
 - Parent committed, aided or attempted the murder or voluntary manslaughter of a sibling of the child
 - Parent committed felony assault resulting in serious bodily injury

Termination Denied

- May continue placement and permanency reviews
- May return child home

Termination Granted

 Move to Adoption Hearing or other permanency plan